SUBJECT INDEX

	Page
BRIEF IN OPPOSITION	1
QUESTIONS PRESENTED FOR REVIEW	1
REASON FOR DENYING THE WRIT	2
ARGUMENT: The Decision Below Is Clearly Correct	2
CONCLUSION	11

TABLE OF AUTHORITIES

CASES:

Atlanta Gas Light Co. v. Southern Natural Gas Co., 338 F.Supp. 1039 (N.D. Ga. 1972)	9
Atwood v. Kerlin, 169 F.Supp. 135 (S.D.N.Y. 1957), aff'd 264 F.2d 4 (2d Cir. 1959), cert. denied, 361 U.S. 817 (1959)	6
Baltic Ind. Sch. Dist., No. 115 v. South Dakota H.S. Activities Assn., 362 F.Supp. 780 (D.S.D. 1973)	6
Bangor & A. R. Co. v. Brotherhood of Loc. Fire. & Eng., 143 U.S. App. D.C. 90, 442 F.2d 812 (1971)	6
Biderman v. Morton, 497 F.2d 1141 (2d Cir. 1974)	9
Bradley v. School Board of City of Richmond, Va., 472 F.2d 318 (4th Cir. 1972), vacated, 416 U.S. 696, 94 S.Ct. 2006, 40 L.Ed.2d 476 (1974)	8
Bradley v. School Board of City of Richmond, Va., 53 F.R.D. 28 (E.D. Va. 1971), rev'd, 472 F.2d 318 (4th Cir. 1972), vacated, 416 U.S. 696, 94 S.Ct. 2006, 40 L.Ed.2d 476 (1974)	7
Brewer v. School Board of City of Norfolk, Va., 456 F.2d 943 (4th Cir.), cert. denied, 409 U.S. 892, 92 S.Ct. 1778, 32 L.Ed.2d 136 (1972)	7
Bridgeport Guardians, Inc. v. Members of Bridgeport Civil Service Com'n, 497 F.2d 1113 (2d Cir. 1974), petition for cert. filed, 43 U.S.L.W. 3282 (No. 74-543, November 5, 1974)	8

Page

Committee To Stop Route 7 v. Volpe, 4 E.R.C. 1681 (D. Conn. 1972) 10
Cooper v. Allen, 467 F.2d 836 (5th Cir. 1972) 9, 10
City of Detroit v. Grinnell Corp., 495 F.2d 448 (2d Cir. 1974) 6
Edelman v. Jordan, 415 U.S. 651, 94 S.Ct. 1347, 39 L.Ed.2d 662 (1974) 7
Fleischmann Distilling Corp. v. Maier Brewing Co., 386 U.S. 714, 87 S.Ct. 1404, 18 L.Ed.2d 475 (1967) 2, 3
Gerstle v. Gamble-Skogmo, Inc., 478 F.2d 1281 (2d Cir. 1973) 4, 6
Gilpin v. Kansas State H. S. Act. Ass'n, Inc., 377 F.Supp. 1233 (D. Kan. 1973) 7
Hall v. Cole, 412 U.S. 1, 93 S.Ct. 1943, 36 L.Ed.2d 702 (1973) 2, 4, 5, 6
Haynes v. Rederi A/S Aladdin, 362 F.2d 345 (5th Cir. 1966), cert. denied, 385 U.S. 1020 (1967) 5
Henry v. Clarksdale Municipal Separate Sch. Dist., 480 F.2d 583 (5th Cir. 1973) 3
Hobbs v. McLean, 117 U.S. 567, 6 S.Ct. 870, 29 L.Ed. 940 (1886) 5
Incarcerated Men of Allen County v. Fair, 507 F.2d 281 (6th Cir. 1974), vacating 376 F.Supp. 483, 485 (N.D. Ohio 1973) 7
Johnson v. Combs, 471 F.2d 84 (5th Cir. 1972), cert. denied, 413 U.S. 922, 93 S.Ct. 3063, — L.Ed.2d — (1973) 9
Jones v. Uris Sales Corp., 373 F.2d 644 (2d Cir. (1967)) 6
Kahan v. Rosenstiel, 424 F.2d 161 (3rd Cir.), cert. denied, Glen Alden Corp. v. Kahan, 398 U.S. 950, 90 S.Ct. 1870, 26 L.Ed.2d 290 (1970) 3, 6
Kelly v. Guinn, 456 F.2d 100 (9th Cir. 1972), cert. denied, 413 U.S. 919, 93 S.Ct. 3048, — L.Ed.2d — (1973) 9
Kemp v. Beasley, 352 F.2d 14 (8th Cir. 1965) 8
La Raza Unida v. Volpe, 57 F.R.D. 94 (N.D. Cal. 1972) 3, 7
Lee v. Southern Home Sites Corp., 444 F.2d 143 (5th Cir. 1971) (429 F.2d 290) 8, 9, 10

Page

Local 149 I.U., U.A.A. & A.I.W. v. American Brake Shoe, 298 F.2d 212 (4th Cir. 1962), cert. denied, 369 U.S. 873, 82 S.Ct. 1142, 8 L.Ed.2d 276 (1962) 9

McLaurin v. Columbia Municipal Sep. Sch. Dist., 478 F.2d 348 (5th Cir. 1973) 7

Mills v. Electric Auto-Lite Co., 396 U.S. 375, 90 S.Ct. 616, 24 L.Ed.2d 593 (1970) 2, 5, 6

Natural Res. Def. Coun., Inc. v. E.P.A., 484 F.2d 1331 (1st Cir. 1973) 6, 7

Natural Res. Def. Coun., Inc. v. T.V.A., 340 F.Supp. 400 (S.D.N.Y. 1971), rev'd, 459 F.2d 255 (2d Cir. 1972) 9

Nolte v. Hudson Nav. Co., 47 F.2d 166 (2d Cir. 1931) 5

Ojeda v. Hackney, 452 F.2d 947 (5th Cir. 1972) 6, 7

F. D. Rich Co., Inc. v. United States Industrial Lbr. Co., Inc., — U.S. —, 94 S.Ct. 2157, 40 L.Ed.2d 703 2

Rude v. Buchhalter, 286 U.S. 451, 52 S.Ct. 605, 76 L.Ed. 1221 (1932) 3

Sierra Club v. Lynn, 364 F.Supp. 834 (W.D. Tex. 1973) 5

Sprague v. Ticonic National Bank, 307 U.S. 161, 59 S.Ct. 777, 83 L.Ed. 1184 (1939) 2, 3

Standard Lumber Co. v. Interstate Trust Co., 82 F.2d 346 (5th Cir.), cert. denied, Interstate Trust & Banking Co. v. Standard Lumber Co., 299 U.S. 545, 57 S.Ct. 8, 81 L.Ed. 401 (1936) 5

Tanner v. Armco Steel Corp., 340 F.Supp. 532 (S.D. Tex. 1972) 9

Walker v. Columbia Broadcasting System, Inc., 443 F.2d 33 (7th Cir. 1971) 3

Woolfolk v. Brown, 358 F.Supp. 524 (E.D. Va. 1973) 8

STATUTES:

National Environmental Policy Act, 42 U.S.C. § 4321, et seq. 3, 8, 9, 10

Urban Growth and New Community Development Act of 1970, 42 U.S.C. § 4501 et seq. 3, 8

28 U.S.C. § 2412 .....7, 10

IN THE

Supreme Court of the United States

OCTOBER TERM, 1974

No. 74-1024

SIERRA CLUB, CITIZENS FOR A BETTER ENVIRONMENT, AND LEAGUE OF WOMEN VOTERS, *Petitioners*,

vs.

JAMES T. LYNN, Secretary of the U.S. Department of Housing and Urban Development, and SAN ANTONIO RANCH, LTD., *Respondents*.

BRIEF OF RESPONDENT, SAN ANTONIO RANCH, LTD., IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

Respondent, San Antonio Ranch, Ltd. (the "developer"), respectfully prays the Court to deny the Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit.

QUESTIONS PRESENTED FOR REVIEW

1. Whether the petitioners, by their litigation efforts, conferred such a significant benefit upon the consumers of water supplied by the Edwards Aquifer, that they should be rewarded or reimbursed for such efforts.

2. Whether an attorney's fee award can properly be made against a party which did not behave obdurately, cannot spread the costs to the purported bene-

ficiaries of the litigation, and on which no duty was imposed by the statutory provisions under which this case arose.

REASONS FOR DENYING THE WRIT

The decision rendered by the Court below is clearly correct.

ARGUMENT: THE DECISION BELOW IS CLEARLY CORRECT

A.

In United States federal practice, it has long been a general rule that a court will not allow a litigant to recover his attorneys' fees as damages or as reimbursable costs in the absence of specific statutory authority which allows a plaintiff to litigate *qua* private attorney general, or a contract providing therefor. See, e.g., *F. D. Rich Co., Inc.* v. *United States Industrial Lbr. Co., Inc.*, —— U.S. ——, 94 S.Ct. 2157, 2165-2166, 40 L.Ed. 2d 703 (1974); *Hall* v. *Cole*, 412 U.S. 1, 93 S.Ct. 1943, 1945-1946, 36 L.Ed.2d 702 (1973); *Mills* v. *Electric Auto-Lite Co.*, 396 U.S. 375, 90 S.Ct. 616, 625, 24 L.Ed.2d 593 (1970); *Fleischmann Distilling Corp.* v. *Maier Brewing Co.*, 386 U.S. 714, 87 S.Ct. 1404, 1407, 18 L.Ed.2d 475 (1967). The general rule is not an arbitrary one, but is supported by reason. "In support of the American rule, it has been argued that since litigation is at best uncertain one should not be penalized for merely defending or prosecuting a lawsuit. . . ." *Fleischmann*, supra, 87 S.Ct. at 1407.

As part of their "equity jurisdiction," however, federal courts do have power to award attorneys' fees even in the absence of a statutory or contractual provision therefor. See, e.g., *Hall* v. *Cole*, supra, 93 S.Ct. at 1946; *Sprague* v. *Ticonic National Bank*, 307 U.S. 161, 59 S.Ct. 777, 83 L.Ed. 1184 (1939).

While the decision to allow attorneys' fees has been committed to the discretion of the trial court in equity cases, that discretion may not be exercised as a matter of course, but must be exercised in accordance with the admonition of *Sprague* that "such allowances are appropriate only in exceptional cases and for dominating reasons of justice." 59 S.Ct. at 780; accord, *Fleischmann,* supra, 87 S.Ct. at 1407, 1408; *Rude* v. *Buchhalter,* 286 U.S. 451, 52 S.Ct. 605, 607, 76 L.Ed. 1221 (1932); *La Raza Unida* v. *Volpe,* 57 F.R.D. 94, 99 (N.D. Cal. 1972).

The Supreme Court has approved the exercise of this "equity jurisdiction" for only two reasons and by doing so it has developed two well recognized and established exceptions to the general rule. Since neither the National Environmental Policy Act, 42 U.S.C. § 4321, et seq. ("NEPA") nor the Urban Growth and New Community Development Act of 1970, 42 U.S.C. § 4501 et seq. ("the New Community Act") provide and statutory basis for awarding attorneys' fees, and no agreement has been made by the developer to pay petitioners' attorneys' fees, such fees may properly be awarded to petitioners and against the developer in this case only if petitioners established facts to which one or both of these exceptions to the general rule is applicable. See *Henry* v. *Clarksdale Municipal Separate Sch. Dist.,* 480 F.2d 583, 585 (5th Cir. 1973); *Walker* v. *Columbia Broadcasting System, Inc.,* 443 F.2d 33, 37 (7th Cir. 1971); *Kahan* v. *Rosenstiel,* 424 F.2d 161, 174 (3rd Cir. 1970), cert denied, *Glen Alden Corp.* v. *Kahan,* 398 U.S. 950, 90 S.Ct. 1870, 26 L.Ed.2d 290 (1970). This the petitioners wholly failed to do.

B.

An early exception to the rule that was created by equity courts, commonly referred to as the "bad faith"

or "obdurate behavior" exception, provided that a party who suffered a wrong caused by another party's obdurate behavior should not suffer the wrong without a remedy but should recover from the latter party his litigation expense necessary to prove his case. "Equity jurisdiction" is appropriately exercised for the reason that the courts deem it necessary to protect litigants from those who behave obdurately and to punish those who so behave. See, e.g., *Hall* v. *Cole,* supra, 93 S.Ct. at 1946; *Gerstle* v. *Gamble-Skogmo, Inc.,* 478 F.2d 1281, 1309 (2d Cir. 1973). The petitioners have wholly failed to show, and the trial court failed to find, that the developer caused injury to petitioners by behaving obdurately. This exception is therefore inapplicable.

C.

The other exception, heretofore commonly referred to as the "common fund" exception—but now more appropriately referred to as the "conferral of benefit" exception—provides that a party who, by his litigation efforts, confers a significant benefit upon other parties or people should be reimbursed for the expenses he has incurred, the reimbursement to be made either directly or indirectly by those upon whom he conferred the benefit. "Equity jurisdiction" is appropriately exercised for the reason that it would be unfair to the party if he had to bear the entire expense when he received only part of the benefit and that it would unjustly enrich the beneficiaries of the party's litigation efforts if they were benefitted without sharing a proportionate amount of the expenses. See, e.g., *Hall* v. *Cole,* supra, 93 S.Ct. at 1946-1947 n. 7.

The trial court concluded that the petitioners, by commencing and prosecuting this action, (1) created great-

er public awareness of the dangers of pollution threatening the Edwards Underground Reservoir, 364 F. Supp. at 847, and (2) forced HUD to comply with NEPA, 364 F.Supp. at 848-849, 850, and concluded that by doing either one or both, the petitioners conferred a substantial benefit upon the local public, 364 F.Supp. at 847, 850-851. However, the petitioners failed to show, and the trial court failed to find, that petitioners conferred any benefit upon the developer. It is indeed almost axiomatic that petitioners, as parties adverse to the developer would and could not confer any benefit upon it. See *Hobbs* v. *McLean,* 117 U.S. 567, 6 S.Ct. 870, 877, 29 L.Ed. 940 (1886); *Standard Lumber Co.* v. *Interstate Trust Co.,* 82 F.2d 346 (5th Cir.), cert. denied, *Interstate Trust & Banking Co.* v. *Standard Lumber Co.,* 299 U.S. 545, 57 S.Ct. 8, 81 L.Ed. 401 (1936); *Nolte* v. *Hudson Nav. Co.,* 47 F.2d 166 (2d Cir. 1931). Furthermore, the developer employed its own counsel to protect its interests in this litigation and should not be forced to accept the employment of petitioners' counsel as well. See *Haynes* v. *Rederi A/S Aladdin,* 362 F.2d 345, 351 (5th Cir. 1966), cert. denied, 385 U.S. 1020 (1967). No reason, therefore, exists for forcing the developer to reimburse the petitioners.

D.

While plaintiffs who, by enforcing a significant federal statute, confer a substantial benefit upon others have been reimbursed for their litigation expenses, *Hall* v. *Cole,* supra, 93 S.Ct. at 1947-1948; *Mills,* supra, 90 S.Ct. at 625, 627, the only parties or persons who may be properly forced to contribute to the plaintiffs' litigation expenses are the beneficiaries of plaintiffs' efforts or the representatives of those beneficiaries.

Mills, supra, 90 S.Ct. at 628. Thus, in *Mills* the Supreme Court made the pertinent observation that:

> To award attorneys' fees in such a suit to a plaintiff who has succeeded in establishing a cause of action is not to saddle the unsuccessful party with the expenses but to impose them on the class that has benefitted from them and that would have had to pay them had it brought the suit.

90 S.Ct. at 628; accord, *Gerstle* v. *Gamble-Skogmo, Inc.,* supra, 478 F.2d at 1308-1309; *Bangor & A. R. Co.* v. *Brotherhood of Loc. Fire. & Eng.,* 143 U.S. App.D.C. 90, 442 F.2d 812, 823 (1971); *Kahan* v. *Rosenstiel, supra,* 424 F.2d at 166-167; *Jones* v. *Uris Sales Corp.,* 373 F.2d 644, 648 (2d Cir. 1967); *Baltic Ind. Sch. Dist. No. 115* v. *South Dakota H. S. Activities Ass'n,* 362 F.Supp. 780, 786 (D.S.D. 1973); *Atwood* v. *Kerlin,* 169 F.Supp. 135, 139 (S.D.N.Y. 1957), aff'd on other grounds, 264 F.2d 4 (2d Cir. 1959), cert. denied, 361 U.S. 817 (1959); see *Hall* v. *Cole,* supra, 93 S.Ct. at 1948; *City of Detroit* v. *Grinnell Corp.,* 495 F.2d 448, 459 (2d Cir. 1974); *Natural Res. Def. Coun., Inc.* v. *E.P.A.,* 484 F.2d 1331 (1st Cir. 1973); *Ojeda* v. *Hackney,* 452 F.2d 947, 948 (5th Cir. 1972) (per curiam). This observation is even more appropriate in this case than in *Mills* because the developer was a prevailing party and not a wrongdoer. Even assuming the District Court's findings were supported by evidence and its conclusion that the petitioners conferred a "substantial" benefit upon a segment of the public was made by a proper application of the law thereto, if for that reason equity jurisdiction had been properly exercised by the District Court, it would still not have afforded a basis for forcing the developer to reimburse petitioners but would only have afforded a basis for

forcing reimbursement from either the public who benefitted from petitioners' efforts or a party or parties who exist to serve or represent the interests of all those purportedly benefitted. In the present case, reason would only support an award of attorneys' fees against HUD, Edwards Underground Water District, or Bexar County, or any of them. These entities stand here in the same relation to the taxpaying public as did the corporation in *Mills* to its shareholders, and the union in *Hall* to its members. To allocate petitioners' attorneys' fees among them would be to spread them ultimately among that part of the taxpaying public which purportedly received substantial benefits from this litigation. *Natural Res. Def. Coun., Inc.* v. *E.P.A.*, supra, 484 F.2d 1331; accord, *Gilpin* v. *Kansas State H. S. Act. Ass'n, Inc.*, 377 F.Supp 1233, 1244-1253 (D. Kan. 1973); cf. *Incarcerated Men Of Allen County Jail* v. *Fair*, 507 F.2d 281, 285 n.2, 286, 287, 289; *McLaurin* v. *Columbia Municipal Sep. Sch. Dist.*, 478 F.2d 348, 354-355 (5th Cir. 1973). Contra, *Brewer* v. *School Board of City of Norfolk, Va.*, 456 F.2d 943, 951-952 (4th Cir. 1972), cert. denied, 406 U.S. 933, 92 S.Ct. 1778, 32 L.Ed.2d 136 (1972); *Ojeda* v. *Hackney*, supra, 452 F.2d 947; *La Raza Unida* v. *Volpe*, supra, 57 F.R.D. at 101. See *Bradley* v. *School Board of City of Richmond, Va.*, 53 F.R.D. 28, 35-36 (E.D. Va. 1971), rev'd, 472 F.2d 318 (4th Cir. 1972), vacated, 416 U.S. 696, 94 S.Ct. 2006, 40 L.Ed.2d 476 (1974). Sovereign immunity, however, prevents the imposition of an award upon HUD, 28 U.S.C. § 2412, but it does not prevent any such imposition upon agencies or subdivisions of a state, such as a county. *Edelman* v. *Jordan*, 415 U.S. 651, 94 S.Ct. 1347, 1358 n.12, 39 L.Ed.2d 662 (1974).

E.

If, however, an award of attorneys' fees is to be made as a means of implementing public policy, and such award is to be made against adverse parties without regard to whether or not they have behaved obdurately or have received any benefits from plaintiffs' efforts, as the District Court indicated in its exposition of its ground for the award, the award must be authorized by statute. *Bradley* v. *School Board of City of Richmond, Va.*, 472 F.2d 318, 328-331 (4th Cir. 1972), vacated on other grounds, 416 U.S. 696, 94 S.Ct. 2006, 40 L.Ed.2d 476 (1974); *Woolfolk* v. *Brown*, 358 F.Supp. 524, 537 (E.D. Va. 1973). See also, *Bridgeport Guardians, Inc.* v. *Members of Bridgeport Civ. Serv. Com'n*, 497 F.2d 1113, 1115 n.2 (2d Cir. 1974), petition for cert. filed, 43 U.S.L.W. 3282 (No. 74-543, November 5, 1974). As previously stated, Congress has made no provision for such award in cases arising under NEPA or the New Communities Act. Congress, by specifically authorizing awards of attorneys' fees in cases arising under other federal statutes, and by not so authorizing in cases arising under NEPA or the New Community Act, clearly indicated that insofar as these Acts are concerned, it does not authorize the sanction of attorneys' fees as a matter of course against defendants in actions arising thereunder. The doctrine of *expressio unius est exclusio alterius* applies in this case and should be dispositive of the District Court's conclusion. See *Kemp* v. *Beasley*, 352 F.2d 14, 23 (8th Cir. 1965). Therefore, awards may be made to plaintiffs and against defendants only for the two reasons previously discussed.

The District Court cited as authority for its conclusions the cases of *Lee* v. *Southern Home Sites Corp.*,

444 F.2d 143 (5th Cir. 1971) (429 F.2d 290) and *Cooper* v. *Allen,* 467 F.2d 836 (5th Cir. 1972). The *Lee-Cooper* equity standard should be applied against adverse parties, however, only when the plaintiff seeks to vindicate *clear rights* by litigation which has been made necessary only because of the obdurate conduct of the defendant. See, e.g., *Johnson* v. *Combs,* 471 F.2d 84, 87 (5th Cir. 1972), cert. denied, 413 U.S. 922, 93 S.Ct. 3063, —— L.Ed.2d —— (1973); *Local 149 I.U., U.A.A. & A.I.W.* v. *American Brake Shoe,* 298 F.2d 212, 216 (4th Cir. 1962), cert. denied, 369 U.S. 873, 82 S.Ct. 1142, 8 L.Ed.2d 276 (1962); *Kelly* v. *Guinn,* 456 F.2d 100 (9th Cir. 1972), cert. denied, 413 U.S. 919, 93 S.Ct. 3048, —— L.Ed.2d —— (1973). Otherwise, the penal character of such an award against a defendant such as the developer quite overwhelms the remedial character whether or not the court intends to punish the defendant. Thus, the application of the *Lee-Cooper* equity standard would unjustly punish the developer for fairly and successfully defending itself from claims asserted against it by the petitioners.

Nevertheless, assuming that the *Lee* and *Cooper* cases are of broader scope, it would still be grossly unfair to impose upon the developer, a private party defendant, the burden of paying the petitioners' attorneys' fees in a case arising under NEPA because the petitioners had no cause of action against this defendant whatsoever. *Biderman* v. *Morton,* 497 F.2d 1141, 1146-1148 (2d Cir. 1974); *Tanner* v. *Armco Steel Corp.,* 340 F.Supp 532, 538-539 (S.D. Tex. 1972); *Natural Res. Def. Coun., Inc.,* v. *T.V.A.,* 340 F.Supp. 400, 407-408 (S.D.N.Y. 1971), rev'd on other grounds, 459 F.2d 255 (2d Cir. 1972); *Atlanta Gas Light Co.* v. *Southern Natural Gas Co.,* 338 F.Supp. 1039, 1050 (N.D. Ga.

1972); *Committee To Stop Route 7* v. *Volpe,* 4 E.R.C. 1681 (D. Conn. 1972).

Thus, in *Committee To Stop Route 7* v. *Volpe,* the court, though deciding it was proper to exercise "equity jurisdiction" to award attorneys' fees to plaintiffs for reasons similar to those given in *Lee* and *Cooper,* concluded that it would be unfair, and refused, to force a party who had no duty under NEPA to pay the plaintiffs' fee, stating:

> There remains the question of whether it would be fair to award attorney's fees against the state defendants, who do not have the insulation of Sec. 2412. The Act is a mandate for federal agencies. It is their action that must meet certain statutory standards. While the action of a federal agency is often taken in cooperation with a state agency, the entity primarily responsible for the 'major Federal actions' for which the Act requires impact statements is the federal agency. 42 U.S.C. Sec. 4332(2)(C). . . . In these circumstances it would not be appropriate to impose attorney's fees as a cost upon the state. . . .

Therefore, whether or not this Court ever decides to extend the application of the *Lee-Cooper* equitable standard to cases arising under NEPA, it would still be clearly unfair and improper to exercise equity jurisdiction to force a defendant such as the developer to pay any recovery by petitioners, especially where, as in this case, the private defendant successfully defends itself from claims brought against it by petitioners.

CONCLUSION

For the reasons stated herein, Respondent San Antonio Ranch, Ltd. respectfully prays the Court to deny the Petition For Writ of Certiorari.

Respectfully submitted,

SEAGAL V. WHEATLEY
CARL ROBIN TEAGUE
(On the Brief)
Suite 620
711 Navarro
San Antonio, Texas 78205

Attorneys for Respondent, San Antonio Ranch, Ltd.